

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL DAVID MORALES-VALLELLANES,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,
et al.,

Defendants.

CIVIL NO. 97-2459 (JAG)

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S INFORMATIVE
MOTION AND REQUEST FOR AN ORDER AGAINST O.S.H.A.**

TO THE HONORABLE COURT:

COMES NOW, the defendant and through his undersigned attorneys, respectfully submits his Opposition to Plaintiff's Request for an Order Against the Occupational Health and Safety Administration ("O.S.H.A."). At the outset, O.S.H.A., which falls under the U.S. Department of Labor, is not a party to this action.

Plaintiff's petition for an Order against O.S.H.A. is not only addressed to a non-party, but constitutes an unwarranted, broad and burdensome request. It constitutes a frivolous fishing expedition which does not lead to discoverable evidence to address the very limited issues related to this remanded case. Those limited issues are more explicitly set forth at the Court of Appeals' Judgment in case no. 02-2190 dated August 4, 2003.

WHEREFORE, the defendant respectfully requests from this Honorable Court that it deny Plaintiff's Motion for an Order against O.S.H.A. based on the foregoing.

ANGEL DAVID MORALES VALLELLANES vs.
U.S. POSTAL SERVICE et al. - Civil No. 97-2459 (HL)
Page 2

I HEREBY CERTIFY that on March 31, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Miguel E. Miranda Gutiérrez, Esquire, Cond. El Centro I, Local 15-132, 500 Muñoz Rivera Avenue, Hato Rey, Puerto Rico 00918.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 31st day of March 2004.

H.S. GARCIA
United States Attorney

S/Fidel A. Sevillano Del Río
FIDEL A. SEVILLANO DEL RIO
Assistant U.S. Attorney
U.S.D.C.-PR 117812
Torres Chardón, Suite 1201
350 Carlos Chardón Street
San Juan, Puerto Rico 00918
Telephone: (787) 766-5656/282-1844
Facsimile: (787) 766-6219/5193